

Can people 'desist' in prison?

Reflections on the implications of desistance theory for long-term imprisonment

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Indeterminate imprisonment in England & Wales – key facts

(PRT, 2018: 6-9, 28)

Number of indeterminately-sentenced prisoners (lifers and IPPs)

- | | | |
|---------|-------|------------------------------------|
| • 2002: | 5,146 | 7% of sentenced prison population |
| • 2018: | 9,862 | 12% of sentenced prison population |

Average minimum term for murder (new sentences)

- | | |
|---------|------------|
| • 2003: | 12.5 years |
| • 2016: | 21.3 years |

Average time served by lifers released on licence

- | | |
|---------|----------|
| • 2001: | 13 years |
| • 2017: | 17 years |

Reoffending within two years (Oct-Dec 2015)

- | | |
|------------------|-----|
| • All prisoners: | 48% |
| • Lifers: | 4% |



Structure of the life sentence



Gaps in knowledge on long-term imprisonment

*‘[L]ife-course and criminal career research [i.e. desistance research] has largely **failed to document psychological, social, and behavioural changes that occur during periods of incarceration.** This oversight is particularly noteworthy in the case of individuals serving long sentences, as they spend a significant portion of the life course behind bars. The **policies and programs targeting prisoners are seldom tailored to long termers and lifers,** and we know little about effective interventions, or even how to measure effectiveness, for this population.’*

(Kazemian & Travis, 2015: 355 and 376)



Desistance theory

(good overviews: Bersani and Doherty 2018; Weaver 2019)



Social role transitions
(e.g. Sampson and Laub 1993)

- e.g. marriage
- e.g. employment
- Changed personality/activity/emotional experiences



Agency/identity
(e.g. Giordano, Cernkovich, and Rudolph 2002;
Maruna 2001; Paternoster and Bushway 2009)

- Re-evaluation of the past
- Altered wishes for the future
- Re-narration of life history
- Attempts to change established patterns of behaviour?



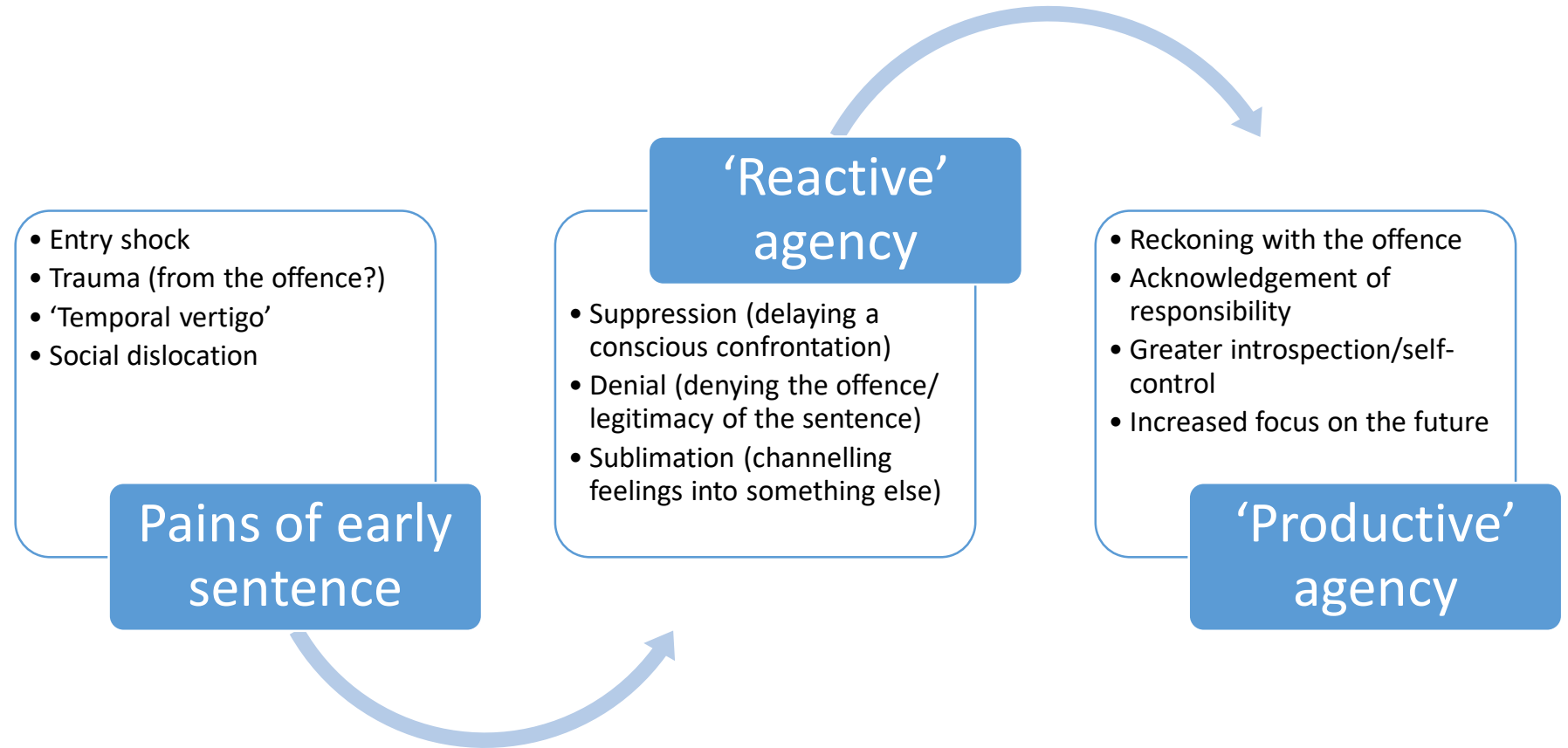
Forms of personhood
(Farrall and Beckett 2015; Weaver 2016;
Weaver and Goggin 2017)

- e.g. education
- e.g. social capital
- e.g. relationships

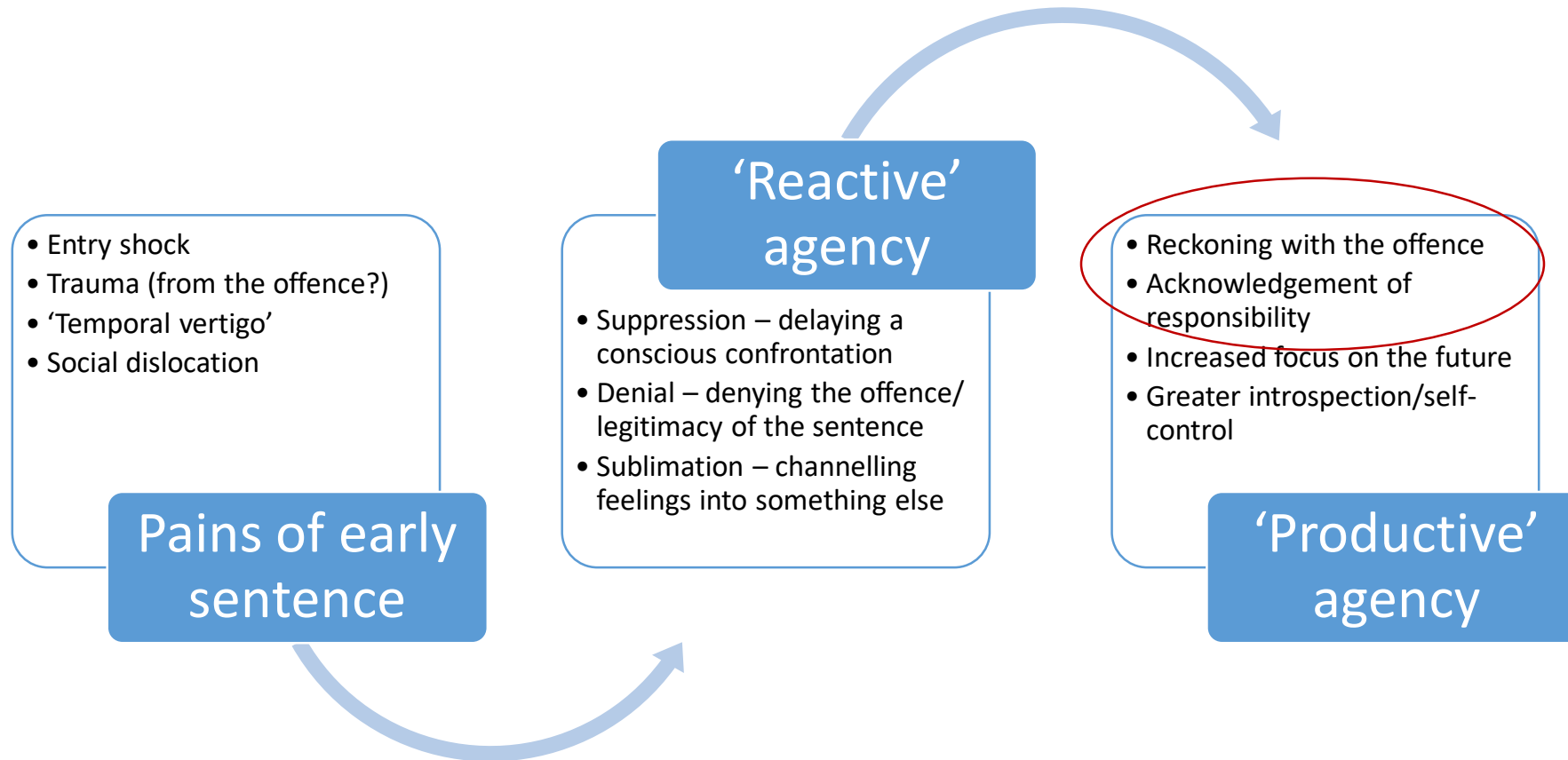


The adaptation process (Crewe, Hulley & Wright 2017; Wright, Crewe & Hulley 2017)

- 310 men and 23 women in England & Wales
- Sentenced to life for murder
- Convicted at < 25 y.o.
- Minimum term > 15 years



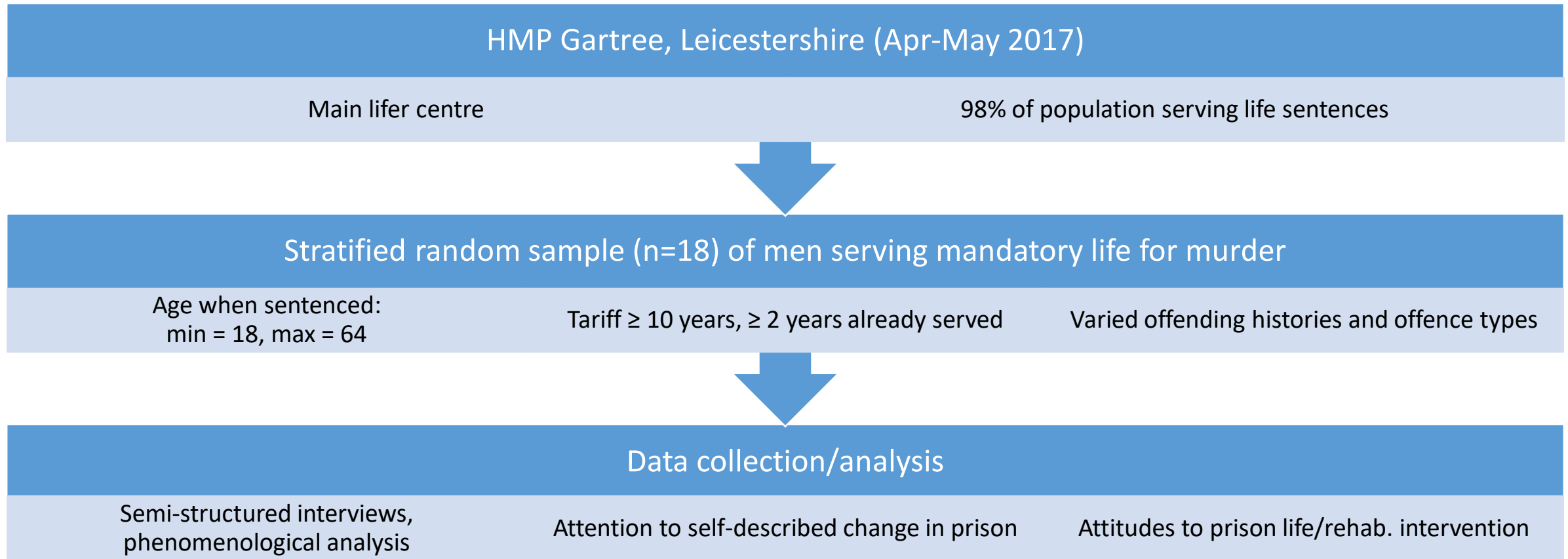
The adaptation process



1. Is this pattern the same for those sentenced when aged over 25?
2. Are some murders harder to reckon with than others?
3. Do (1) and (2) affect how people comply with rehabilitative requirements?



Methods



1. Does adaptation vary by age when sentenced?

*'I want to have a family, you know? That's all I want. My father was an evil fucking bastard. My mum was damaged from all the things that happened to her. But **my kids will never have that** [...] I know I can be an awesome dad. I know I work hard for what I believe in, I know I can help people. I just want someone to love, you know?'*

Davidas (27 y.o.), 10-year tariff, 7 years served

*'I think it's completely changed the way I interact with staff [...] I didn't want to. I didn't like it. But [staff member] said: "listen, what's the matter with you? **When you get out, what are you going to do?** You're going to be working, what are you going to say to your manager – 'I feel uncomfortable?' Listen, **you're going to have to interact** with people outside your social circle." He was right, you know.'*

Regis (27 y.o.), 18-year tariff, 6 years served



'Corrective' agency – convicted as young men, reconciled to the sentence

Agency	View of the sentence	Account given of the offence	Prisoner's ethical priorities	Rehabilitative compliance	Post-prison expectations
'Corrective'	A hiatus/interruption	Immature, misguided, mistaken	Self-reform/self-correction	Instrumental	Resume life better able to achieve conventional goals



1. Does adaptation vary by age when sentenced?

*'If you've spent most of your life **hating your father**, because you thought he was a real bad person, and then [...] years down the road [...] you suddenly come to the conclusion that **you're worse than [him]** – trust me, that's a change.'*

John (59 y.o.), 21-year tariff, 11 years served



'Redemptive' agency – convicted in middle age, reconciled to the conviction

Agency	View of the sentence	Account of the offence	Ethical priorities	Style of compliance with rehabilitation	Post-prison expectations
'Corrective'	A hiatus/interruption, a blessing in disguise	Immature, misguided, mistaken	Self-reform/self-correction	Instrumental	Resume life better able to achieve conventional goals
'Redemptive'	Righteous punishment	Shameful, sinful, 'staining' (levins 2017)	(Self-)forgiveness	Normative	Live life with altered appreciation for its meaning



1. Does adaptation vary by age when sentenced?

*'I'm **not here through my own fault**, but I'm not going into that [...] Some prisoners talk about their human rights. How does that get into their heads? Fair enough, we shouldn't be kept in the cell and beat up regular, I don't mean that. But we've got no rights. **We gave up all our rights when we come here**, I think.'*

Desmond (73 y.o.), 14-year tariff, 7 years served

*'I just don't believe that I should be doing any courses. [But] I think I'm probably planning on doing [Thinking Skills Programme], because I probably didn't think as much as I should have. [But] there's no point in doing all of the thinking skills near the beginning [of the sentence] because you might forget. And anyway **it doesn't really mean anything.**'*

Pete (51 y.o.), 24-year tariff, 5 served



'Defensive' agency – not reconciled to the conviction

Agency	View of the sentence	Account given of the offence	Prisoner's ethical priorities	Rehabilitative compliance	Post-prison expectations
'Corrective'	A hiatus/interruption, a blessing in disguise	Immature, misguided, mistaken	Self-reform/self-correction	Instrumental	Resume life better able to achieve conventional goals
'Redemptive'	Righteous punishment	Shameful, sinful, 'staining' (levins 2017)	(Self-)forgiveness	Normative	Live life with altered appreciation for its meaning
'Defensive'	An assault	A private matter, someone else's fault	Vindication/self-justification	None/sullen/procrastinating	Remote, painful to think about



2: Are all offences equally easy to reckon with?

'I'm joint enterprise, so I didn't do it. They say, "oh, we think you might benefit from doing PIPE." Really, what they're saying is, "we want you to do PIPE. You've got to do PIPE [...] Because you won't be going to C-cat otherwise." [...] Or, "How can I do a violence programme? I've got no previous." Again: "oh, we think you'll benefit from it." It's just Catch-22. Basically, I've got to do it.'

Luke (27 y.o.) 22-year tariff, 7 years served



2: Are all offences equally easy to reckon with?

'I was just lost in the world, I had no one to show me the right way [...] I grew up in care, and [...] I was just looking up to drug dealers [...] and gang bangers, and all this [...] I was just like, volatile, impulsive, and just not a good person [...] I used to care [how people] would judge me, if I walked away from a fight [...] Even if I was going to get done, I couldn't back down. Now, I actually think. "No, there's no point, I haven't got nothing to uphold. You're the man..." I just walk off [...] It's not important no more. It would have been, because I was upholding that image of my gang, my neighbourhood, my area, that I was representing. I haven't got that no more.'

Andy (32 y.o.), 18-year tariff, 12 years served



2: Are all offences equally easy to reckon with?

'If anybody asks [...] I'm in for killing my missus. But you start mentioning kids and you're in a whole lot of trouble [...] I've been assaulted since I have been in here [...] When they said, 'well, we'll put you on the Kaizen course now' [I said no.] There are [things] I will not discuss in courses, for safety reasons. My risk levels and my scores are low enough, I could go to C-cat tomorrow [and] fit in [...] quite well. But I don't want to spend ten years in a C-cat prison: I would not be safe.'

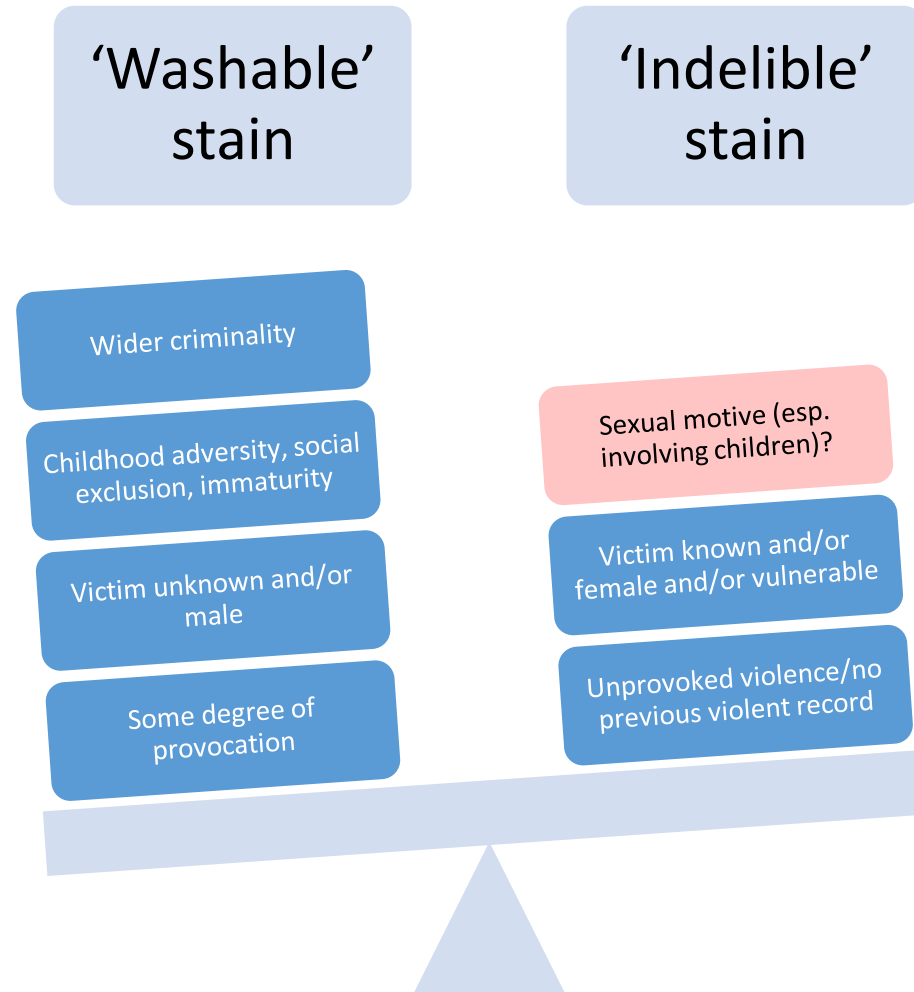
Thomas (44 y.o.), 22-year tariff, 7 served

'[U]nder a thin veneer of respectability, I was a piece of work. For over a decade I didn't commit an offence, so to speak, [but] that doesn't mean that my life wasn't deeply immoral, in ways you can't be prosecuted for. [...] I would be very busy with a charity event but would [evade] a few grand's worth of taxes, things like that.'

Max (41 y.o.), 19-year tariff, 6 served



2: Are all offences equally easy to reckon with?



Summary

1. Does adaptation vary among lifers convicted when aged > 25?

- Increased age (and heavier sentences):
 - Alter the 'generative' futures that can be foreseen (e.g. family, career)
 - Remove the 'carrots' of progression and the 'stick' of dying in prison, making 'rehabilitation' purely a private matter

2. Are some murders harder to reckon with than others?

- Yes, influenced by perceived moral judgment
- Resistance may be increased:
 - by lack of safety
 - by group-based courses (and risk-based rationing of individualised support?)

3. Is rehabilitative compliance influenced by (1) and (2)?

- Yes:
 - (1) because the opportunities lifers actually *want* are influenced by the futures they can foresee
 - (2) because more stigmatised offences are ethically/physically dangerous to reckon with



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